

**PHARMACY EXAMINING BOARD  
APRIL 8, 2009  
MEETING MINUTES**

**PRESENT:** Timothy Boehmer, R.Ph.; Pamela Phillips; Jason Walker-Crawford, R.Ph.; Amy Mattila, R.Ph. and Gregory C. Weber, R.Ph.

**EXCUSED:** Suzette Renwick and Jeanne Severson, R.Ph.

**STAFF:** Tom Ryan, Bureau Director; Ruby Jefferson-Moore, Board Counsel; Amy Childers, Bureau Assistant; and other DRL Staff

**GUESTS:** Gina Besteman, Women's International Pharmacy; Robert Leedham, Kevin Look, Ted Grabarczyk, Dan Kutz, Beth Martin, Andrea Duchac, Betty Chewing, Hilary Maxfield, Bonnie Svarstad & Kevin Trampe, UW Madison School of Pharmacy; Dean Milosch, Target; Michael Wenberg, Cardinal Health Nuclear Pharmacy; Eric Knox, Wisconsin Department of Corrections (DOC); Jamie Statz Paynter and Larry David, Dean Pharmacy; JoAnne Preston & Jeremy Levin, Rural Wisconsin Health Cooperative; Sarah Boyce & Tom Engels, Pharmacy Society of Wisconsin; Doug Englebert, Department of Health Services (DHS); Dennis Malone, Rx Consultants; Paul Baum, Group Health Cooperative; Jason Know, Community Memorial Hospital; Ralph Knox, CVS Rx; Cindy Benning; Kurt Holm, Morton Pharmacy, Gary Plank, Marshfield Clinic; Emily Alexander, Envision Telepharmacy

**CALL TO ORDER**

Greg Weber, Board Chair, called the meeting to order at 9:05 a.m. A quorum of 5 was confirmed.

**APPROVAL OF AGENDA**

**Amendments:**

- Item D (Open session) – Clearinghouse Rule 09-019
- Remove Item G -
- Between Items K & L (Open session) - Roeschen's Omnicare Pharmacy - Milwaukee, WI - Tech-Check-Tech variance report - Board review
- After Item K (Open session) – Community Memorial Hospital's remote dispensing site quarterly report
- Between Items N & O (Open session) - Practice Question - Distribution of medications at LaCrosse area "Mission of Mercy Dental Care Event" - Brian Bach, R.Ph., President, Coulee Region Pharmacy Association - LaCrosse, WI - June 26, 27, 2009
- Between N & O (Open session) - Practice Question - electronic signatures - Sarah Boyce, Director, Professional and Educational Affairs, Pharmacy Society of Wisconsin - Madison, WI
- Item O (Open session) – Eligibility for Transfer of Pharmaceutical Licensure Based on Active Practice of Pharmacy Application

- After Item T (Open session) – Memorandum from Greg Raube, DRL’s Division of Enforcement, regarding distributor issues
- Item U (Open session) - **APPEARANCE** - Sarah Boyce, Director, Professional and Educational Affairs, Pharmacy Society of Wisconsin – **12:40 p.m.**
- Between Item V & W (Open session) – 2009 PEB Legislative Review
- After Item W (Open session) – Remove “Discussion of the advisability of granting citation authority to the Division of Enforcement for certain offenses – Jack Temby – DOE – Appearance – 1:30 p.m.
- Item X (Open session) – National Association of Drug Diversion Investigators (NADDI) 2009 Pharmaceutical Diversion Training Conference
- Item X (Open session) – DEA invitation to attend the 18<sup>th</sup> DEA National Conference on Pharmaceutical and Chemical Diversion
- Between X & Y (Closed session) – Remove Forfeitures discussion
- Item EE
- After Item KK (Closed session) – Milwaukee Health Services, Inc. – Requesting Stay
- At End of Agenda (Closed session) – DOE Case Summary Report

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to approve the agenda as amended. Motion carried unanimously.

### **APPROVAL OF MINUTES OF FEBRUARY 4, 2009**

#### **Amendments:**

- Page 1 under Guests: Remove the word “care” from “healthcare” in Access Community Healthcare Centers
- Page 5: correct “Kristin Kannon” to “Kristin Cannon”
- Page 5: add the word “request” in the motion regarding Roeschen’s Omnicare variance modification to read as follows:  
**MOTION:** Timothy Boehmer moved, seconded by Jeanne Severson, to extend the existing technician pharmacist ratio of 6:1 to April 30, 2009 and request a justification for the increase of 9:1. The Board would also like an explanation of the multiple violations of the current technician - pharmacist ratio. Motion carried unanimously.
- Page 5: remove the word “care” from “Healthcare” and replace with the word “Center” to read as follows: **VARIANCE REQUEST – ACCESS COMMUNITY HEALTH CENTERS – YOLANDA TOLSON, R.PH. – MADISON, WI**
- Page 6: add a space between “Practice Question – Medication Review – Mercy Medical Center of Oshkosh, Inc. and Von Briesen & Roper SC – Michelle B. Frazier – Board Review” and the following paragraph

**MOTION:** Timothy Boehmer moved, seconded by Pamela Phillips, to approve the February 4, 2009 minutes as amended. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS,  
FINAL DECISIONS AND ORDERS**

**LUIGI N. MICELI, R.PH.**

Attorney Sandra Nowack, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Luigi N. Miceli, R.Ph.

**TANAPONG CHAIRIN, R.PH.**

Attorney Sandra Nowack, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Tanapong Chairin, R.Ph.

**INTRODUCTION OF NEW EXECUTIVE ASSISTANT, HECTOR COLON**

Hector Colon appeared before the Board to introduce himself as the new Executive Assistant.

Gail Sumi appeared before the Board to introduce herself as Board Services' new Division Administrator.

**ADMINISTRATIVE REPORT**

Tom Ryan reported to the Board that Board Services and Office of Legal Counsel would be restructuring.

**MOTION TO DESIGNATE HEARINGS AND APPEALS ATTORNEY AS  
ADMINISTRATIVE LAW JUDGE**

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class 1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

**NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ANNUAL  
MEETING – MAY 16-19, 2009 – MIAMI, FL**

Amy Mattila will be the official delegate for the State of Wisconsin at the National Association of Boards of Pharmacy Annual meeting.

**Pharmacy Society of Wisconsin Legislative Day Presentation Report – Timothy Boehmer**  
Timothy Boehmer reported to the Board the topics that he discussed at the Pharmacy Society of Wisconsin Legislative Day event.

**WIS. ADMIN. CODE § PHAR 4.02(2), RELATING TO THE PRACTICAL  
EXAMINATION**

**Review of Clearinghouse Report**

The Board reviewed the Clearinghouse Report and no changes were made.

The following individuals appeared before the Board to testify in support of or opposition to the Clearinghouse rule:

- Professor Beth Martin, University of Wisconsin Madison School of Pharmacy (opposition)
- Ted Grabarczyk, 3<sup>rd</sup> year Pharmacy student (opposition)
- Bonnie Svarstad, University of Wisconsin – School of Pharmacy (opposition)
- Jeremy Levin, Rural Wisconsin Health Cooperative (support)
- Professor Betty Chewning, University of Wisconsin Madison School of Pharmacy (opposition)
- Cindy Benning, practicing pharmacist (opposition)
- Ken Schaefer, practicing pharmacist (support)
- Paul Baum, Group Health Cooperative (opposition)
- Kurt Holm, Morton Pharmacy (opposition)
- Tom Engels & Sarah Boyce, Pharmacy Society of Wisconsin (no position)

**MOTION:** Jason Walker-Crawford moved, seconded by Pamela Phillips, to strike the words “on the private sector” from the fiscal estimates section. Motion carried unanimously.

**MOTION:** Timothy Boehmer moved, seconded by Amy Mattila, to authorize the Department to request extensions of the emergency rules of the legislature. Motion carried unanimously.

The Board deferred this matter pending receipt and review of comments.

**MULTISTATE PHARMACY JURISPRUDENCE EXAMINATION (MPJE) ITEM  
WRITING WORKSHOP – JUNE 4-5, 2009 AT THE NABP OFFICES IN MOUNT  
PROSPECT, IL – BOARD ATTENDANCE REQUEST**

Susan Bird appeared before the Board to discuss the MPJE item writing workshop.

**MOTION:** Jason Walker-Crawford moved, seconded by Timothy Boehmer, to authorize Amy Mattila to attend the MPJE item writing workshop June 4-5, 2009 at the NABP offices in Mount Prospect, IL. Motion carried unanimously.

**VARIANCE REQUESTS – MARSHFIELD CLINIC – GARY PLANK, DIRECTOR OF  
PHARMACY SERVICES**

Gary Plank appeared before the Board to request two variances

**MOTION:** Timothy Boehmer moved, seconded by Amy Mattila, to approve the request for delivery variance to deliver prescriptions to Marshfield Clinic Medical Center employees and staff at Integrated Marshfield Clinic Campuses. Motion carried. Opposed: Jason Walker-Crawford.

**MOTION:** Timothy Boehmer moved, seconded by Jason Walker-Crawford, to approve the request for remote dispensing for Marshfield Clinic - Mercer Center and Marshfield Clinic Pharmacy – Lake Hallie with the amended changes. Motion carried unanimously.

**VARIANCE REQUEST – WORKPLACE DELIVERY – LAKESHORE PHARMACY –  
MANITOWOC, WI**

**MOTION:** Timothy Boehmer moved, seconded by Amy Mattila, to approve the delivery variance request regarding affiliated pharmacy location for Lakeshore Pharmacy as written and deny the request for workplace delivery as written due to noncompliance of the State consultation requirement for Lakeshore Pharmacy. Motion carried unanimously.

**VARIANCE REQUEST – TECHNICIAN RATIO – ROESCHEN’S OMNICARE  
PHARMACY – MILWAUKEE, WI**

**MOTION:** Timothy Boehmer moved, seconded by Amy Mattila, to amend the variance regarding an increase in the technician ratio from 6:1 to 9:1 for Roeschen’s Omnicare Pharmacy for one year, to require submission of a report in January 2010 and to remind Roeschen’s Omnicare that the average 4:1 technician ratio cannot be exceeded in any given calendar month. Motion carried unanimously.

**VARIANCE REQUEST – REMOTE DISPENSING – COMMUNITY MEMORIAL  
HOSPITAL – OCONTO FALLS, WI**

Jason Knox appeared before the Board to request a remote dispensing variance.

**MOTION:** Timothy Boehmer moved, seconded by Amy Mattila, to amend the remote dispensing variance submitted by Community Memorial Hospital to include CMH Primary Care Clinic - Gillett and CMH Primary Care Clinic -Suring with all the same requirements. Motion carried unanimously.

**VARIANCE REQUEST – DELIVERY – MORTON PHARMACY – KURT HOLM –  
APPLETON, WI**

Kurt Holm appeared before the Board to request a delivery variance.

**MOTION:** Pamela Phillips moved, seconded by Jason Walker-Crawford, to defer the delivery variance request from Morton Pharmacy pending receipt of further information. Motion carried unanimously.

**ROESCHEN'S OMNICARE PHARMACY - MILWAUKEE, WI - TECH-CHECK-TECH  
VARIANCE REPORT - BOARD REVIEW**

The Board reviewed the tech-check-tech variance report from Roeschen's Omnicare Pharmacy.

**COMMUNITY MEMORIAL HOSPITAL – OCONTO FALLS, WI – REMOTE  
DISPENSING VARIANCE REPORT - BOARD REVIEW**

The Board reviewed the remote dispensing variance report from Community Memorial Hospital.

**PRACTICE QUESTION – USE OF AUTOMATED PHARMACY SYSTEM – JAMES E.  
TAYLOR, R.PH. – WESTERVILLE, OH**

It is permissible for the final verification of the drug product to the patient label to be completed by automated bar code scans. A variance request must be presented to the Board for approval.

**PRACTICE QUESTION – PRESCRIPTION REVIEW – GUNDERSEN LUTHERAN  
CLINIC PHARMACY – JAMES J. BOMKAMP – EMAIL REQUEST – BOARD  
REVIEW**

**MOTION:** Timothy Boehmer moved, seconded by Pamela Phillips, to defer the practice question from James J. Bomkamp, Gundersen Lutheran Clinic. Motion carried unanimously.

**PRACTICE QUESTION – SELLING PSEUDOEPHEDRINE TO FAMILY WITHOUT  
PHOTOGRAPHIC IDENTIFICATION – TOM ENGELS, PHARMACY SOCIETY OF  
WISCONSIN – MADISON, WI – BOARD REVIEW**

State law requires a photo ID be presented when buying pseudoephedrine.

**PRACTICE QUESTION - DISTRIBUTION OF MEDICATIONS AT LACROSSE AREA  
"MISSION OF MERCY DENTAL CARE EVENT" - BRIAN BACH, R.PH.,  
PRESIDENT, COULEE REGION PHARMACY ASSOCIATION - LACROSSE, WI -  
JUNE 26, 27, 2009**

There is a mix of two models: physician dispensing and pharmacy dispensing. It is the Board's recommendation that Coulee Region Pharmacy Association use the physician dispensing model and follow state and federal law.

**PRACTICE QUESTION - ELECTRONIC SIGNATURES - SARAH BOYCE,  
DIRECTOR, PROFESSIONAL AND EDUCATIONAL AFFAIRS, PHARMACY  
SOCIETY OF WISCONSIN - MADISON, WI**

The Board referred to the February 2005 Regulatory Digest. There is an article with various scenarios of electronic signatures.

**APPLICATION ISSUE – REQUIRED FORMS FOR FOREIGN GRADUATES AND  
ENDORSEMENT APPLICANTS – JULIE REIMANN – DIVISION OF CREDENTIAL  
PROCESSING**

Julie Reimann appeared before the Board to discuss the required forms for foreign graduates and endorsement applications.

**BILL DRAFT LRB 0063/P3, RELATING TO DIRECTING THE DEPARTMENT OF  
REGULATION AND LICENSING TO CREATE A PROGRAM TO MONITOR  
PRESCRIPTIONS FOR CONTROLLED SUBSTANCES, DISPENSING OF  
CONTROLLED SUBSTANCES AND REQUIRING THE EXERCISE OF RULE-  
MAKING AUTHORITY – BOARD DISCUSSION**

The Board reviewed the bill draft LRB 0063/P3, relating to directing the Department of Regulation and Licensing to create a program to monitor prescriptions for controlled substances, dispensing of controlled substances and requiring the exercise of rule making authority.

**BILL DRAFT LRB 0065/1, RELATING TO ADVERTISING FOR PRESCRIPTION  
DRUGS – BOARD DISCUSSION**

The Board reviewed AB 56, relating to advertising for prescription drugs.

**PHYSICIAN ASSISTANT PRESCRIBING RULE DRAFT – BOARD REVIEW**

The Board reviewed the physician assistant prescribing rule draft.

**MOTION:** Timothy Boehmer moved, seconded by Jason Walker-Crawford, in favor of the Board expressing its concerns with the revisions of Med 8.08(1) to the Medical Examining Board. Motion carried unanimously.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES,  
ADMINISTRATIVE RULES AND LEGISLATION, AND ANY CASES, RULES AND  
LEGISLATION RECEIVED IN THE BUREAU  
AFTER PREPARATION OF THE AGENDA**

The Board reviewed the summary reports.

**RULE WRITING STATUS REPORT – REMOTE DISPENSING, WIS. ADMIN. CODE §  
PHAR 7.09**

Ruby Jefferson-Moore reported to the Board the status of Wis. Admin. Code § Phar 7.09.

**Wholesale Distributor Law Update – Greg Raube, Division of Enforcement Investigator Supervisor**

The Board discussed Greg Raube's memorandum regarding the wholesale distributor issues.

**Oxygen Distributor Credentialing – Board Discussion**

The Board discussed the oxygen distributor credentialing issue and will discuss this topic at a future meeting.

**PHARMACY SOCIETY OF WISCONSIN'S PHARMACY TECHNICIAN  
CREDENTIALING TASKFORCE RECOMMENDATIONS – BOARD REVIEW**

Sarah Boyce appeared before the Board to discuss the PSW's pharmacy technician credentialing taskforce recommendations.

**REGULATORY DIGEST – GREG WEBER**

Greg Weber reported that he will have a draft for the next meeting.

**UW Madison School of Pharmacy – April 2009 Presentation – Timothy Boehmer**

Timothy Boehmer reported the topics discussed at the UW – Madison School of Pharmacy presentation.

**Adding PEB Update PowerPoint Presentations to DRL Website (Jeanne Severson's May 2008 update and Tim Boehmer's February 2009 update)**

The Board would like the PowerPoint presentations posted to the DRL website.

**DOE inspection liaison report – Amy Mattila**

None.

**Credentialing liaison report – Timothy Boehmer**

There is one application issue that will be brought to the Board.

**Quality Review Council report – Jason Walker-Crawford**

Due to scheduling conflicts Jason Walker-Crawford will no longer be able to attend the meetings.

**State Council on Alcohol and Other Drug Abuse (SCAODA) report – Pamela Phillips**

The March minutes will be ready for the June meeting.

**Legislative report – Jason Walker-Crawford**

Jason Walker-Crawford provided a report for the legislative update.

**Impaired Professionals Procedure (IPP) Taskforce report – Jeanne Severson**

None.



## **DRUG ENFORCEMENT ADMINISTRATION MONTHLY DRUG THEFT AND LOSS REPORTS**

The Board reviewed the DEA Drug Theft and Loss report for January 2009.

### **INFORMATIONAL ITEMS**

The Board reviewed the informational items in the agenda packet.

#### **Public Comments**

None.

### **CLOSED SESSION**

**MOTION:** Jason Walker-Crawford moved, seconded by Timothy Boehmer, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1)(a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data ( Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Amy Mattila-yes; Timothy Boehmer-yes; Jason Walker-Crawford-yes; Gregory C. Weber-yes; Pamela Phillips-yes. Motion carried unanimously.

The Board convened into Closed Session at 2:50 p.m.

### **RECONVENE TO OPEN SESSION TO VOTE ON ITEMS DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:48 p.m.

### **DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDERS**

#### **LUIGI N. MICELI, R.PH.**

**MOTION:** Timothy Boehmer moved, seconded by Amy Mattila, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of disciplinary proceedings against Luigi N. Miceli, R.Ph. Motion carried unanimously.

**TANAPONG CHAIRIN, R.PH.**

**MOTION:** Pamela Phillips moved, seconded by Amy Mattila, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of disciplinary proceedings against Tanapong Chairin, R.Ph. Motion carried unanimously.

**APPLICATION REVIEW - OWENS & MINOR DISTRIBUTION INC**

The Board reviewed this for informational purposes.

**CONSIDERATION OF ADMINISTRATIVE WARNING  
CASE 06 PHM 042**

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to reject the administrative warning in case number 06 PHM 042. Motion carried unanimously.

**CONSIDER CLOSING CASES**

**08 PHM 069**

**MOTION:** Amy Mattila moved, seconded by Timothy Boehmer, to close case 08 PHM 069 for insufficient evidence. Motion carried. Abstained: Greg Weber.

**06 PHM 049**

**MOTION:** Timothy Boehmer moved, seconded by Amy Mattila, to close case 06 PHM 049 for prosecutorial discretion (P2). Motion carried unanimously.

**08 PHM 049**

**MOTION:** Timothy Boehmer moved, seconded by Jason Walker-Crawford, to close case 08 PHM 049 for no violation. Motion carried. Abstained: Greg Weber.

**08 PHM 068**

**MOTION:** Timothy Boehmer moved, seconded by Jason Walker-Crawford, to close case 08 PHM 068 for no violation. Motion carried unanimously.

**09 PHM 001**

**MOTION:** Timothy Boehmer moved, seconded by Pamela Phillips, to close case 09 PHM 001 for no violation. Motion carried. Abstained: Amy Mattila.

**08 PHM 030**

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to close case 08 PHM 030 for prosecutorial discretion (P2). Motion carried.  
Abstained: Greg Weber.

**MONITORING**

**CAROL HERMANN  
REQUESTING FULL LICENSURE**

**MOTION:** Jason Walker-Crawford moved, seconded by Timothy Boehmer, to deny the request for full licensure in the matter of Carol Hermann due to missing reports from the treater. Motion carried unanimously.

**JEREMY VAN BUREN  
REQUESTING MODIFICATIONS**

**MOTION:** Timothy Boehmer moved, seconded by Amy Mattila, to approve the request for reduction in therapy from weekly to every other week and allow 8 PIC hours in the matter of Jeremy Van Buren. Motion carried.  
Abstained: Jason Walker-Crawford.

**MILWAUKEE HEALTH SERVICES – DISCUSSION RELATING TO EFFECTIVE  
DATE OF ORDERS**

**MOTION:** Timothy Boehmer moved, seconded by Pamela Phillips, to approve the request for an extension of the stay through July 22, 2009 in the matter of Milwaukee Health Services. Motion carried unanimously.

**Consulting with Legal Counsel**

Ruby Jefferson-Moore presented an update in the matter of Dalton L. Holmen v. Wisconsin Department of Regulation and Licensing.

**ADJOURNMENT**

**MOTION:** Timothy Boehmer moved, seconded by Jason Walker-Crawford, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:52 p.m.

**NEXT MEETING IS 24 JUNE 2009**